
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

Aphaeus Ohakweh, *et al.*,

Plaintiffs,

versus

Harris Health System, *et al.*,

Defendants.

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Civil Action H-20-1651

ENTERED

June 26, 2020

David J. Bradley, Clerk

Opinion on Dismissal

I. Introduction.

Ernest Chukwunenye Adimora-Nweke, Jr., filed a case on behalf of the estate of Aphaeus Ohakweh that has already been adjudicated. This case will be dismissed as *res judicata*.

2. Background.

Ohakweh's family filed a wrongful death suit in Harris County in 2016. It was removed. That month, they filed a case about the same events in federal court. The United States of America declined to intervene on July 27, 2016.¹ The cases were consolidated in December 2016 into a lead case before Judge Alfred H. Bennett.²

Judge Bennett dismissed the case for failure to state a claim in 2017. On appeal, his ruling was affirmed in 2018.

On May 12, 2020, the same parties filed this case in this court. The first amended complaint is 391 pages.

¹ Civil Action 4:16-cv-1704.

² Civil Action 4:16-cv-903.

All of the cases have involved Ohakweh's family members suing Baylor College of Medicine and workers at Ben Taub for the wrongful death of Ohakweh.

3. *Res Judicata.*

This case has been filed several times. The iterations share parties and alleged events. It has had more than its day in court, and it has lost every time. This case is barred as *res judicata*.

4. *Statute of Limitations.*

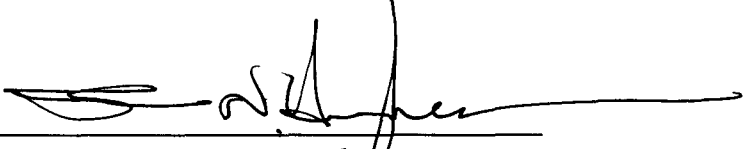
Ohakweh died in September 2015.³ The Texas statute of limitations for wrongful death actions is two years.⁴

Even if this case were not *res judicata*, it could not proceed because it is time-barred.

5. *Conclusion.*

Because the case is *res judicata* and time-barred, it will be dismissed with prejudice.

Signed on June 26, 2020, at Houston, Texas.



Lynn N. Hughes
United States District Judge

³ Am. Compl. at 128.

⁴ TEX. CIV. PRAC. & REM. CODE 16.003.